

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PABLO G. CABRERA,)	
)	
Plaintiff,)	
vs.)	Case No. CIV-12-0899-HE
)	
JOHN T. MORTON, Director,)	
Bureau of Immigration and Customs)	
Enforcement (ICE),)	
)	
Defendant.)	

ORDER


Plaintiff, Pablo G. Cabrera, a state prisoner proceeding *pro se*, brought this civil action under 28 U.S.C. § 1331. Plaintiff moved for leave to proceed *in forma pauperis* [Doc. #2]. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Robert E. Bacharach, who recommends that plaintiff's motion be denied. Plaintiff filed an objection to the report and recommendation. After conducting a de novo review of the issues to which plaintiff has objected, the court agrees with the magistrate judge and concludes that plaintiff's motion for leave to proceed *in forma pauperis* should be denied.

Plaintiff's institutional account statement indicates that he has sufficient funds to pay the \$350 filing fee. Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #5]. Plaintiff's motion for leave to proceed *in forma pauperis* [Doc. #2] is **DENIED** and plaintiff is **ORDERED** to pay the filing fee within 21 days. Absent payment of the fee as indicated or a showing of good cause for failure to do so, this case will be subject to

dismissal without prejudice.

IT IS SO ORDERED.

Dated this 18th day of September, 2012.



JOE HEATON
UNITED STATES DISTRICT JUDGE